

# Senate File 534 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1280)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to civil protective orders and criminal  
2 no-contact orders.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2652SV 82  
5 rh/je/5

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1 1 Section 1. Section 664A.1, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. "Protective order" means a protective order issued  
1 4 pursuant to chapter 232, a court order or court-approved  
1 5 consent agreement entered pursuant to chapter 236, including a  
1 6 valid foreign protective order under section 236.19,  
1 7 subsection 3, a temporary or permanent protective order or  
1 8 order to vacate the homestead under chapter 598, ~~and~~ or an  
1 9 order that establishes conditions of release or is a  
1 10 protective order or sentencing order in a criminal prosecution  
1 11 arising from a domestic abuse assault under section 708.2A, or  
1 12 a civil injunction issued pursuant to section 915.22.

1 13 Sec. 2. Section 664A.2, subsection 2, Code 2007, is  
1 14 amended to read as follows:

1 15 2. A protective order issued in a civil proceeding shall  
1 16 be issued pursuant to chapter 232, 236, ~~or~~ 598, or 915.  
1 17 Punishment for a violation of a protective order shall be  
1 18 imposed pursuant to section 664A.7.

1 19 Sec. 3. Section 664A.3, Code 2007, is amended by adding  
1 20 the following new subsection:

1 21 NEW SUBSECTION. 1A. Notwithstanding chapters 804 and 805,  
1 22 a person taken into custody pursuant to section 236.11 or  
1 23 arrested pursuant to section 236.12 may be released on bail or  
1 24 otherwise only after initial appearance before a magistrate as  
1 25 provided in chapter 804 and the rules of criminal procedure or  
1 26 section 236.11, whichever is applicable.

1 27 Sec. 4. Section 664A.5, Code 2007, is amended to read as  
1 28 follows:

1 29 664A.5 MODIFICATION == ENTRY OF PERMANENT NO-CONTACT  
1 30 ORDER.

1 31 If a defendant is convicted of, receives a deferred  
1 32 judgment for, or pleads guilty to a public offense referred to  
1 33 in section 664A.2, subsection 1, or is held in contempt for a  
1 34 violation of a no-contact order issued under section 664A.3 or  
1 35 for a violation of a protective order issued pursuant to  
2 1 chapter 232, 236, ~~or~~ 598, or 915, the court shall either  
2 2 terminate or modify the temporary no-contact order issued by  
2 3 the magistrate. The court may enter a no-contact order or  
2 4 continue the no-contact order already in effect for a period  
2 5 of five years from the date the judgment is entered or the  
2 6 deferred judgment is granted, regardless of whether the  
2 7 defendant is placed on probation.

2 8 Sec. 5. Section 664A.6, Code 2007, is amended by adding  
2 9 the following new subsection:

2 10 NEW SUBSECTION. 3. A peace officer shall not be held  
2 11 civilly or criminally liable for acting pursuant to this  
2 12 section provided the peace officer acts in good faith and on  
2 13 reasonable grounds and the peace officer's acts do not  
2 14 constitute a willful or wanton disregard for the rights or  
2 15 safety of another.

2 16 Sec. 6. Section 664A.7, subsections 3 and 4, Code 2007,  
2 17 are amended to read as follows:

2 18 3. If convicted of or held in contempt for a violation of

2 19 a no-contact order or a modified no-contact order for a public  
2 20 offense referred to in section 664A.2, subsection 1, or held  
2 21 in contempt of a no-contact order issued during a contempt  
2 22 proceeding brought pursuant to section 236.11, the person  
2 23 shall be confined in the county jail for a minimum of seven  
2 24 days. A jail sentence imposed pursuant to this subsection  
2 25 shall be served on consecutive days. No portion of the  
2 26 mandatory minimum term of confinement imposed by this  
2 27 subsection shall be deferred or suspended. A deferred  
2 28 judgment, deferred sentence, or suspended sentence shall not  
2 29 be entered for a violation of a no-contact order, ~~or~~ modified  
2 30 no-contact order, or protective order and the court shall not  
2 31 impose a fine in lieu of the minimum sentence, although a fine  
2 32 may be imposed in addition to the minimum sentence.

2 33 4. Violation of a no-contact order entered for the offense  
2 34 or alleged offense of domestic abuse assault in violation of  
2 35 section 708.2A or a violation of a protective order issued  
3 1 pursuant to chapter 232, 236, ~~or~~ 598, or 915 constitutes a  
3 2 public offense and is punishable as a simple misdemeanor.  
3 3 Alternatively, the court may hold a person in contempt of  
3 4 court for such a violation, as provided in subsection 3.

3 5 Sec. 7. Section 664A.7, Code 2007, is amended by adding  
3 6 the following new subsection:

3 7 NEW SUBSECTION. 3A. If convicted or held in contempt for  
3 8 a violation of a civil protective order referred to in section  
3 9 664A.2, the person shall serve a jail sentence. A jail  
3 10 sentence imposed pursuant to this subsection shall be served  
3 11 on consecutive days. A person who is convicted of or held in  
3 12 contempt for a violation of a protective order referred to in  
3 13 section 664A.2 may be ordered by the court to pay the  
3 14 plaintiff's attorney's fees and court costs.

3 15 Sec. 8. Section 664A.8, Code 2007, is amended to read as  
3 16 follows:

3 17 664A.8 EXTENSION OF NO=CONTACT ORDER.

3 18 Upon the filing of an application by the state or by the

3 19 victim of any public offense referred to in section 664A.2,

3 20 subsection 1 which is filed within ninety days prior to the

3 21 expiration of a modified no-contact order, the court shall

3 22 modify and extend the no-contact order for an additional

3 23 period of five years, unless the court finds that the

3 24 defendant no longer poses a threat to the safety of the

3 25 victim, persons residing with the victim, or members of the

3 26 victim's family. The number of modifications extending the

3 27 no-contact order permitted by this section is not limited.

3 28 EXPLANATION

3 29 This bill relates to criminal no-contact orders and civil

3 30 protective orders.

3 31 The bill provides that a civil injunction issued by a court

3 32 prohibiting the harassment or intimidation of a victim or

3 33 witness in a criminal case pursuant to Code chapter 915 shall

3 34 be included in the definition of a protective order pursuant

3 35 to Code chapter 664A, dealing with the issuance of certain

4 1 no-contact orders in a criminal case and the enforcement of

4 2 certain protective orders in a civil case. Code chapter 664A,

4 3 created in the 2006 Iowa Acts, HF 2652, consolidated certain

4 4 provisions in the Code relating to civil protective orders and

4 5 criminal no-contact orders.

4 6 The bill provides that a person taken into custody or

4 7 arrested under Code chapter 236, Iowa's domestic abuse law,

4 8 may be released on bail only after initial appearance before a

4 9 magistrate consistent with provisions under the domestic abuse

4 10 law or the rules of criminal procedure, whichever is

4 11 applicable.

4 12 The bill provides that a peace officer shall not be held

4 13 civilly or criminally liable for taking a person, who is in

4 14 violation of a no-contact order issued under Code chapter

4 15 664A, into custody provided the peace officer acts in good

4 16 faith and on reasonable grounds and the peace officer's acts

4 17 do not constitute a willful or wanton disregard for the rights

4 18 or safety of another.

4 19 The bill specifies that a person convicted of a violation

4 20 of a no-contact order or a modified no-contact order shall be

4 21 confined in the county jail for a minimum period of seven

4 22 days. A deferred judgment, deferred sentence, or suspended

4 23 sentence shall not be entered for a violation of a protective

4 24 order and the court shall not impose a fine in lieu of the

4 25 minimum sentence, although a fine may be imposed in addition

4 26 to the minimum sentence. Violation of a protective order

4 27 issued pursuant to Code chapter 915 is made a public offense,

4 28 punishable as a simple misdemeanor. Alternatively, the court

4 29 may hold a person in contempt of court for such a violation

4 30 under the bill pursuant to Code chapter 664A.  
4 31 The bill provides that if convicted or held in contempt for  
4 32 a violation of a civil protective order issued in a civil  
4 33 proceeding pursuant to Code chapter 232, 236, or 598, the  
4 34 civil protective orders referred to in Code chapter 664A, the  
4 35 person shall serve a jail sentence. A jail sentence imposed  
5 1 pursuant to this subsection shall be served on consecutive  
5 2 days. A person who is convicted of or held in contempt for a  
5 3 violation of such a protective order may be ordered by the  
5 4 court to pay the plaintiff's attorney's fees and court costs.  
5 5 The bill provides that a victim of the crime of harassment,  
5 6 stalking, sexual abuse in the first degree, sexual abuse in  
5 7 the second degree, sexual abuse in the third degree, or  
5 8 domestic abuse assault may file an application within 90 days  
5 9 prior to the expiration of a modified no-contact order issued  
5 10 in such cases to modify and extend the no-contact order for an  
5 11 additional five-year period.  
5 12 LSB 2652SV 82  
5 13 rh:rj/je/5